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Security Council Committee established pursuant to resolution 751 (1992)

Report from the Permanent Mission of Norway pursuant to paragraph 8 of Security Council resolution 1407 (2002) to the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. Introduction

1. The support of the international community is of the utmost importance if the economic, humanitarian, political and security situation in Somalia is to be improved. Such improvement will not only benefit the people of Somalia, it will also contribute to peaceful development on the regional level in the Horn of Africa and to reinforcing the global efforts to counter international terrorism. The longer-term goal is to create conditions that will enable the Somalian people themselves to create sustainable peace. Addressing fully the issue of illicit arms trafficking with the view to diminishing the availability of arms in Somalia is an important element in the peace efforts and peace-building activities for Somalia.

2. Norway remains fully committed to the implementation of the embargo on deliveries of weapons and military equipment to Somalia, as established by Security Council resolutions 733 (1992) and 1356 (2001).

II. The embargo on Somalia — legal measures

3. Section 1 of the Act of 7 June 1968* relating to the implementation of mandatory decisions of the Security Council provides the legal basis for the King in Council to issue such regulations as are necessary for the implementation of such decisions.

4. The Regulations of 7 February 1992* relating to sanctions against Somalia were laid down pursuant to this provision in order to implement the embargo established by Security Council resolution 733 (1992). Section 1 of the Regulations prohibits the supply of weapons and military equipment to Somalia. The Regulations

* The Acts and Regulations referred to in the report are on file with the Secretariat, room S-3055, and are available for consultation.

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were amended in August 2001 to reflect the changes that were made to the sanctions regime by Security Council resolution 1356 (2001).

5. Pursuant to section 2 of the Act of 1968, any wilful or negligent contravention of the Regulations is punishable by imprisonment, fines or both.

6. The Act of 18 December 1987* relating to control of the export of strategic goods, services, technology, etc., is the legal basis for control of the export of such goods in general. The King in Council has, by the authority provided for in section 1 of the Act prohibited any export of goods, technology or services that could be of importance to the development, production or use by other countries of products for military use, or that could directly benefit the development of a State's military capability, without the permission of the Ministry of Foreign Affairs. The products and technologies for which such permission is required are specified in export control lists. The Act also prohibits any persons resident or staying in Norway and Norwegian companies, foundations and associations from trading in or otherwise assisting in the sale of arms and defence material from one foreign country to another without special permission.

7. Before processing an application, the Ministry of Foreign Affairs requires that satisfactory documentation has been submitted. Documentation that identifies the end-user is generally required.

III. Application of the legal measures

8. It follows from the above that an export licence issued by the Ministry of Foreign Affairs is required to export strategic goods, including weapons and other military equipment, regardless of the destination of the goods. The Ministry will reject any application for export to Somalia of weapons or military equipment for which exemption is not made by Security Council resolution 1356 (2001). The applicant will thus be precluded from exporting the goods through the ordinary export channels.

IV. Contravention of the legal measures

9. The Norwegian authorities concerned are not aware of any contraventions of the legal measures described above.